

Senate Health and Welfare Committee 1

Amendment No. 1 to SB1048

Crowe
Signature of Sponsor

AMEND Senate Bill No. 1048

House Bill No. 671*

by deleting Section 1 and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 63-4-114(5), is amended by deleting the existing subdivision (5) and substituting the following:

(5)

(A) In person solicitation, telemarketing, or telephonic solicitation by licensees, employees of licensees, agents of licensees, or independent contractors of licensees to victims of an accident or disaster, unless it is a victim with whom a licensee has a family or prior professional relationship, shall be considered unethical if carried out within thirty (30) days of the accident or disaster;

(B) Telemarketing transcripts shall be maintained for a period of two (2) years following their utilization;

(C) A log of contacts shall be maintained for a period of two (2) years following a telemarketing encounter; and

(D) This subdivision (5) shall not prohibit solicitation by targeted direct mail advertising or other forms of written, radio, or television advertising; provided, that the advertising does not involve coercion, duress, or harassment and is not false, deceptive, or misleading;

AND FURTHER AMEND by adding the following language as a new Section 2 and renumbering Section 2 as Section 3:

SECTION 2. Tennessee Code Annotated, Section 63-4-116, is amended by

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designating the existing language as subsection (a) and adding the following language as a new subsection (b):

(b) The board is also authorized and empowered to petition any circuit or chancery court having jurisdiction to enjoin any person who is violating § 63-4-114(5). No injunction bond shall be required of the board in such proceedings, and jurisdiction is conferred upon the circuit and chancery courts of this state to hear such cases.